IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP NO.7585 OF 2007
DATE OF DECISION: 21-05-2007

Bhupinder son of Sh. Gulab Singh

.....PETITIONER

VERSUS

The State of Haryana and three others

.....RESPONDENTS

CORAM:- **HON'BLE MR.JUSTICE ASHUTOSH MOHUNTA**
HON'BLE MR.JUSTICE R S MADAN

PRESENT: Mr.RS Malik, Advocate
for the petitioner.

R S MADAN, J.

By this writ petition under Articles 226/227 of the Constitution of India, the petitioner has sought the indulgence of this Court for issuance of a writ in the nature of certiorari for quashing the order dated 19-04-2006 (Annexure P4) and order dated 20-02-2007 (Annexure P6) by which the services of the petitioner were terminated and his appeal was dismissed on the ground of his willful absence from duty as Chowkidar while posted at Haryana Police Housing Corporation Limited Department.

In brief the facts of the case are that the petitioner was appointed as a Chowkidar in the Haryana Police Housing Corporation Limited Department. It is the case of the petitioner that his wife expired on 28-05-2004 leaving behind the petitioner and her three minor children. After the death of his wife, the petitioner remained under depression and was

found absent from duty from 3-5-2005 to 28-7-2005 without applying for any leave.

The petitioner remained absent from duty from 3-5-2005 to 28-7-2005 and during this period he was issued the following letters asking him to resume his duty but he remained willfully absent from duty.

Sr.No.	***Letter No.***	***Dated:***
1	EE(P) HPHC Madhuban Letter no.1120	Dt. 12.5.2005
2	-do- Letter No.1217	Dt. 19.5.2005
3	-do- Letter No.1566	Dt. 17.6.2005
4	SDE Letter No.118	Dt. 12.5.2005
4	-do- Letter No.121	Dt. 16.5.2005

After the petitioner had joined the duty, a regular enquiry was conducted and during the course of enquiry, he was found guilty of the charges. The enquiry report is Annexure P1.

The aforesaid acts of the petitioner was tantamount to indiscipline and misconduct, and he was liable to the disciplinary action, as such, he was dismissed from service.

During enquiry, it was revealed that he was a suspect in a steel theft case, which had taken place in Madhuban store and the matter was under investigation. After the enquiry, show cause notice was issued. He submitted his reply to the said show cause notice. He pleaded that he remained mentally disturbed, therefore, he could not understand about right and wrong. After giving personal hearing, the petitioner was dismissed from service on 19-4-2006 by the Managing Director of the Haryana Police Housing Corporation Limited under the provisions contained in Rule 6.3 and 6.6 of bye-laws of Haryana Police Housing Corporation read with Rule 4(x) of the Haryana Civil Services (Punishment & Appeal) Rules, 1987 vide

Annexure P4.

Aggrieved by the said order of dismissal, the petitioner filed an appeal Annexure P5 before the Director General of Police-cum-Chairman of Haryana Police Housing Corporation Limited, who dismissed the appeal of the petitioner on 20-2-2007 vide Annexure P6.

It is contended by the learned counsel for the petitioner that looking into the circumstances of the petitioner that his wife has expired and he has lost his balance due to the death of his wife, the punishment of dismissal from service is very harsh and the petitioner should be punished for a minor punishment.

We have gone through the impugned order of his dismissal Annexure P4 as well as the order passed by the Appellate Authority Annexure P6 and found that on account of his absence from duty without getting any leave sanctioned from the Authority, he could not prove himself to be a good official of the discipline forces.

We see no merit in this writ petition and the same is hereby dismissed.

(R S MADAN)
JUDGE

(ASHUTOSH MOHUNTA)
JUDGE

May 21, 2007
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